Lyle W. Kirmis Lance D. Schreiner, P.C. James S. Hill, P.C. Patrick J. Ward Rebecca S. Thiem, P.C. Jerry W. Evenson, P.C. Lawrence A. Dopson



Lawrence E. King, P.C.
Tracy Vigness Kolb, P.C.
Shawnda R. Ereth
Constance N. Hofland
Paul R. Sanderson, P.C.
Kelsey A. Krapp

## ZUGER KIRMIS & SMITH

John A. Zuger (1940-2006)

316 North Fifth Street
P.O. Box 1695
Bismarck, ND 58502-1695
p: 701.223.2711
f: 701.223.9619
www.zkslaw.com

pward@zkslaw.com

Thomas O. Smith (1944-2001)



January 10, 2014

John Hamre
Public Service Commission
600 East Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480

RE: Enbridge Pipelines (North Dakota) LLC

24-Inch Crude Oil Pipeline - Sandpiper Project Siting Application

Case No. PU-13-848

Dear Mr. Hamre:

Enclosed for your file is the original Order Granting Application to Protect Confidential Critical Energy Infrastructure Information and Affidavit of Mailing with regard to the above referenced case.

Sincerely,

Patrick J. Ward

Administrative Law Judge

**Enclosures** 

C.

Mitch Armstrong

Brian Biella

P:\PWARD\OAH\Enbridge Pipeline (ND)\Hamre.1.10.14.doc

## STATE OF NORTH DAKOTA BEFORE THE NORTH DAKOTA PUBLIC SERVICE COMMISSION

Enbridge Pipelines (North Dakota) LLC 24-Inch Crude Oil Pipeline – Sandpiper Project Siting Application Case No. PU-13-848

### ORDER GRANTING CONFIDENTIAL CRITICAL ENERGY INFRASTRUCTURE INFORMATION

- 1. On October 30, 2013, Enbridge Pipelines (North Dakota) LLC, ("Enbridge") filed an Application to Protect Confidential Critical Energy Infrastructure Information pursuant to North Dakota Administrative Code § 69-06-05-01(2)(q), asserting that the information is exempt from North Dakota Century Code § 44-04-18.
- 2. Enbridge has filed the information with the Commission in a sealed envelope containing a CD and labeled "Critical Energy Infrastructure Information."
- 3. Enbridge asserts the information is protected critical energy infrastructure information and is entitled to nondisclosure as such under the U.S.A. Patriot Act of 2011 and other federal guidelines.
- 4. Enbridge further asserts that the information qualifies as being exempt from public disclosure pursuant to North Dakota Century Code § 44-04-24.
- 5. Commission staff, as required by North Dakota Administrative Code, has responded to the Enbridge request that staff believes the information qualifies for the protection Enbridge seeks.
- 6. Furthermore, similar but less detailed and exact information is included in the application which provides information necessary for interested parties and the public to review the project and associated factors in the siting proceeding while

protecting disclosure of the critical energy infrastructure information as required by state and federal law.

7. The information sought to be protected is detailed design information and imagery pertaining to what would be classified as critical infrastructure under both state and federal law, and if publically disclosed, it would provide detailed information on the precise location and design of the critical infrastructure potentially putting the pipeline and the public at risk of terrorism or other foul play.

8. This hearing officer has fully reviewed and considered the application of Enbridge and the recommendations of Commission staff, and determines that the information is relevant for the hearing of this case and that the information is entitled to the protection sought in the application.

IT IS, THEREFORE,

**ORDERED** that Enbridge is hereby granted the confidential critical energy infrastructure information protection that it seeks.

Dated:

**NORTH DAKOTA** 

PUBLIC SERVICE COMMISSION

By:

Patrick J. Ward

Administrative Law Judge

P:\PWARD\OAH\Enbridge Pipeline (ND)\Order Granting Trade Secret Protection.doc

# STATE OF NORTH DAKOTA BEFORE THE NORTH DAKOTA PUBLIC SERVICE COMMISSION

Enbridge Pipelines (North Dakota) LLC 24-Inch Crude Oil Pipeline – Sandpiper Project Siting Application Case No. PU-13-848

#### **AFFIDAVIT OF MAILING**

STATE OF NORTH DAKOTA )
) ss
COUNTY OF BURLEIGH )

The undersigned, being duly sworn and of legal age, deposes and says that: I am a United States citizen, over 18 years of age, and on January 10, 2014, I served a copy of the attached:

#### ORDER GRANTING CONFIDENTIAL CRITICAL ENERGY INFRASTRUCTURE INFORMATION

by placing a true copy in a postage paid envelope or envelopes addressed to each person named below, at the address stated below, which is the last known address of the addressee, and by depositing said envelope in the United States mail at Bismarck, North Dakota.

John Hamre Public Service Commission 600 East Boulevard Ave., Dept 480 Bismarck, ND 58505-0480

Mitch Armstrong Special Assistant Attorney General PO Box 460 Bismarck, ND 58502-0460

Brian Bjella Attorney at Law PO Box 2798 Bismarck, ND 58502-2798

Subscribed and sworn to before me, today, January 10, 2014.

**NOTARY PUBLIC** 

VALERIE A LEAPALDT Notary Public State of North Dakota Commission Expires Sept. 5, 2016